

## **Chapter 12.04**

### **GENERAL PROVISIONS**

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#### **12.04.010 Supervision by street and alley commissioner – Powers and duties.**

All public streets, alleys, sidewalks and other public ways, shall be under the supervision of the street and alley commissioner. He shall have supervision over all work thereon, and the cleaning thereof, and shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) and is authorized to enforce such ordinances. (Prior code § 18.101).

**12.04.015 Definitions.** A. “Construction Easement Area” is defined as the area lying between the project right-of-way limits and the platted street limits within which the city, by concurrence in the establishment of the project right-of-way lines, will permit the state to enter to perform all necessary construction operations.

B. “Encroachment” is defined as any building, fence, sign (excluding certain signs located over sidewalks) or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located, or maintained in, on, under or over any portion of the project right-of-way where no project right-of-way or the roadway right-of-way where no project right-of-way line has been established.

C. “Permissible Encroachment” is defined as any existing awning, marquee or sign advertising activity on the property, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic or traffic on the highway. The permissive retention of overhanging

signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined by adjacent buildings.

D. "Project Right-of-Way" is defined as those areas within the project right-of-way lines established jointly by the city and state which will be free of encroachments except as hereinafter defined.

E. "Roadway right-of-way" is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect. (Ord. 2013, 2000)

**12.04.020 Repairs.** All public streets, alley and sidewalk pavement shall be in good repair. Such repair work, whether done by the city or the abutting owner, shall be under the supervision of the street and alley commissioner. (Prior code § 18.106).

**12.04.030 Reporting defects.** It shall be the duty of every city officer or employee becoming cognizant of any defect in any street, alley or sidewalk or any obstruction thereof to report the same to the street and alley commissioner as soon as possible. (Prior code § 18.107).

**12.04.040 Injury to pavements is unlawful.** It is unlawful to walk upon or drive any vehicle or animal upon or injure any newly laid street or alley pavement while the same is guarded by a warning sign or barricade or to knowingly injure any street, sidewalk or alley pavement. (Prior code § 18.105).

**12.04.050 Obstructions unlawful unless authorized.** It is unlawful for any person, firm or corporation to cause, create or maintain any obstruction of any street, alley, sidewalk or other public way except as may be specifically authorized by ordinance or by the street and alley commissioner. (Prior code § 18.108).

**12.04.060 Obstructing drains is unlawful.** It is unlawful to obstruct any drain in any public street or alley. (Prior code § 18.113).

**12.04.070 View at corners.** It is unlawful to construct, or maintain any permit to remain, any fence or other structure, or any bushes or other plants, on a corner lot within fifty feet of the street line, which obstructs the view, at a height of more than five feet above the level of the adjacent street pavement.

Any person, firm or corporation violating any provision of this section shall be fined, for each offense; and a separate offense shall be deemed committed on each day during or on which such obstruction to view is permitted to remain after notice from the police department or any official of the city to remove the same. (Prior code § 18.122).

**12.04.080 Approval required for certain uses.** It is unlawful for any person, firm or corporation to use any street, sidewalk or other public place as space for the display of goods or merchandise for sale; or to write or mark any signs or advertisements on any such pavement or city parkway without prior approval by resolution of the city council, such approval shall be in the full discretion of the city council. (Prior code §

18.111).

**12.04.090 Encroachments.** It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment (as defined in § 12.04.015), except as provided in subsection (C.) below, within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established. (Ord. 2013 § 1, 2000)

**12.04.100 Poles and wires.** It is unlawful to erect any poles or wires or maintain any poles or wires over any public place, street, alley or other public way without having first secured permission from mayor and city council. (Prior code § 18.114).

**12.04.110 Barbed wire fences or electric current fences.** It is unlawful to maintain or construct any fence composed in whole or in part of barbed wire or with any similar materials designed to cause injury to persons or any wire charged with electrical current, anywhere within the city except to protect industrial property in which case, barbed wire must be at least six feet above sidewalk and extend inward of property. (Prior code § 18.117).

**12.04.120 Gas pumps.** It is unlawful to maintain or erect any gasoline pump or tank in any public street, alley or sidewalk. (Prior code § 18.117).

**12.04.130 Openings or stairways – Permit required – Maintenance.** It is unlawful to construct or maintain any opening or stairway in any public street or alley or sidewalk or other public place without a permit from the mayor or city council.

All such lawfully maintained openings shall be guarded by a suitable strong cover or railing to the approval of the street and alley commissioner. (Prior code § 18.116).

**12.04.140 Deposits on streets.** A. It is unlawful to deposit on any street any material which may be harmful to the pavement thereof or any waste material or any glass or other articles which may cause injury to any person, animal or property.

B. Coal or other materials may be deposited in streets preparatory to delivery for use; provided, that such deposit does not reduce the usable width of the street or roadway at that point to less than eighteen feet, and provided that such material or coal other than material used in actual building construction shall not be permitted to remain in such street for more than three hours.

C. Any such material or coal shall be guarded by lights if the same remains upon any street after nighttime. (Prior code § 18.118).

**12.04.150 Deposits on sidewalk.** It is unlawful to deposit on any public sidewalk any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals, or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, providing that the usable width of the sidewalk is not thereby reduced to less than four feet; and provided, that no such article remains on such walk for more than one-half hour.

(Prior code § 18.119).

**12.04.160 Burning leaves and rubbish.** It is unlawful for any person, firm or corporation to burn any paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the city.

It is unlawful for any person, firm or corporation to burn any leaves upon any oil and chip or asphalt street within the city. (Prior code § 18.120).

**12.04.170 Penalty for violation.** A. Any person, firm or corporation violating § 12.04.090 shall be fined not less than \$50 nor more than \$100 for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists. (Ord. 2013, § 5, 2000)

B. Any person, firm or corporation violating any provisions of this chapter for which no other penalty is prescribed shall be fined not less than five dollars nor more than five hundred dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Prior code § 18.121).